	Application No.	Applicant(s)
Notice of Allowability	10/613,816	STEPHENSON, BRYAN
	Examiner	Art Unit	
	Cheyne D. Ly	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>March 02, 2007</u>.

2. ☒ The allowed claim(s) is/are <u>1, 3-11, and 13-28 (renumbered as 1-26)</u>.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

    1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

John Wagner on May 15, 2007.

2.   The instant amendment is directed to the claim amendment filed March 02, 2007, which

has been entered.

The application has been amended as follows:

3.   Delete claims 2 and 12.

IN THE CLAIMS

4.   Claim 1, line 13, **delete** "and".

5.   Claim 1, lines 14-16, delete "causing said first resource to discontinue providing said

service after said available resource completes existing service requesters originally intended for

said first resource.", **insert therefor**

-- wherein said automatically performing said new modification includes:

selecting said available resource of said particular type from said resource pool to replace said
first resource of said particular type, wherein said performing of said new modification to said
configuration state of said available resource of said particular type is enabled;

configuring said available resource to provide said service provided by said first resource of said
particular type, wherein said re-directing of said new requests for said service provided by said
first resource to said available resource is enabled;

causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource; and

performing said new modification to a configuration state of said first resource, wherein said first resource represents another available resource from said resource pool.—

6.   Claim 11, line 14, **delete** "and".

7.   Claim 11, lines 15-17, **delete** "causing said first resource to discontinue providing said

service after said available resource completes existing service requesters originally intended for

said first resource.", **insert therefor**

-- wherein said automatically performing said new modification includes:

selecting said available resource of said particular type from said resource pool to replace said first resource of said particular type, wherein said performing of said new modification to said configuration state of said available resource of said particular type is enabled;

configuring said available resource to provide said service provided by said first resource of said particular type, wherein said re-directing of said new requests for said service provided by said first resource to said available resource is enabled;

causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource; and

performing said new modification to a configuration state of said first resource, wherein said first resource represents another available resource from said resource pool.—

8.   Claim 21, line 15, **delete** "and".

9.   Claim 21, lines 16-18, **delete** "causing said first resource to discontinue providing said

service after said available resource completes existing service requesters originally intended for

said first resource.", **insert therefor**

-- wherein said automatically performing said new modification includes:

selecting said available resource of said particular type from said resource pool to replace said first resource of said particular type, wherein said performing of said new modification to said configuration state of said available resource of said particular type is enabled;

configuring said available resource to provide said service provided by said first resource of said particular type, wherein said re-directing of said new requests for said service provided by said first resource to said available resource is enabled;

causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource; and

performing said new modification to a configuration state of said first resource, wherein said first resource represents another available resource from said resource pool.--

REASON FOR ALLOWANCE

10.   The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest the claimed invention individually or in combination the limitation of

"wherein said automatically performing said new modification includes: selecting said available resource of said particular type from said resource pool to replace said first resource of said particular type, wherein said performing of said new modification to said configuration state of said available resource of said particular type is enabled;

configuring said available resource to provide said service provided by said first resource of said particular type, wherein said re-directing of said new requests for said service provided by said first resource to said available resource is enabled;

causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource; and

performing said new modification to a configuration state of said first resource, wherein said first resource represents another available resource from said resource pool", as set forth in claims 1, 11, and 21, respectively.

11.   Dependent claims 3-10, 13-20, and 22-28 being further limiting to the independent claim

claims 1, 11, and 21, respectively, definite, and enabled by the specification are also allowed.

12.   The closest prior art, Golson et al. (US 5761505 A) in view of Thompson et al. (US

5247664 A) describes a method a method of managing modification of configuration states of a

plurality of resources of multiple types in a dynamic data center. However, Golson et al. (US

5761505 A) in view of Thompson et al. (US 5247664 A) does not teach or suggest the

limitations cited above as being free of any prior art when read in the claims as a whole.

CONCLUSION

13.   Claims 1, 3-11, and 13-28 (renumbered as 1-26) are allowed.

14.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

15.   Patent applicants with problems or questions regarding electronic images that can be

viewed in the Patent Application Information Retrieval system (PAIR) can now contact the

USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are

available to answer your questions daily from 6 am to midnight (EST). The toll free number is

(866) 217-9197. When calling please have your application serial or patent number, the type of

document you are having an image problem with, the number of pages and the specific nature of

the problem. The Patent Electronic Business Center will notify applicants of the resolution of

the problem within 5-7 business days. Applicants can also check PAIR to confirm that the

problem has been corrected. The USPTO's Patent Electronic Business Center is a complete

service center supporting all patent business on the Internet. The USPTO's PAIR system

provides Internet-based access to patent application status and history information. It also

enables applicants to view the scanned images of their own application file folder(s) as well as

general patent information available to the public.

16.   For all other customer support, please call the USPTO Call Center (UCC) at 800-786-

9199. The USPTO's official fax number is 571-272-8300.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The

examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

18.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Patent Examiner
5/29/07